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REMARKS

Claims 1, 11 and 16 have been amended without adding new matter in order to correct minor informalities and to address other issues raised by the Examiner. Claims 12 and 13 have been cancelled. Eighteen (18) claims remain pending in the application: Claims 1-11 and 14-20. Reconsideration of claims 1-11 and 14-20 in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §102

2. Claims 1-14 and 16-20 stand rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,772,433 (LaJoie). Applicants have amended claims 1 and 11 and are not anticipated by the LaJoie patent. Claim 1, for example recites in part:

displaying a menu associated with storing of the channel in memory including displaying an add icon that is selectable for adding the channel associated with the show currently being displayed and including a mark icon that is selectable for listing channels previously selected for adding to memory;

Support for the amendment of claim 1 can be found throughout the specification as filed, for example in at least claim 17 as filed, and page 9, lines 22-24. The LaJoie patent fails to teach or suggest a menu associated with storing a current channel in memory that also provides a selectable icon that allows direct access to a list of the channels stored. Alternatively, the LaJoie patent requires the user to enter a first menu and from the first menu to enter a second menu that allows the user to select a setting, only after this setting is selected from the second menu, can the user access the listing (e.g., favorites list (see FIG. 15) or PPV purchases (see FIG. 13)). Therefore, the LaJoie patent fails to teach or suggest the method of claim 1, and instead teaches away from the single menu access to add a channel to memory and/or to display the channels previously stored in memory.

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The Examiner suggests, in rejecting claim 17 which includes similar claim language as that amended into claim 1, that the LaJoie patent teaches "Block channels icon 'second icon' selectable to display PPV channels...." (Office Action, page 6). However, the "Block" icon 202 of the LaJoie patent does not cause a listing to be displayed, but instead allows a user to change the designation of a channel from blocked to not blocked, or vice versa, as is described for example in column 19, lines 60-66. The LaJoie patent does not teach and instead specifically teaches away from displaying a menu that includes both a selectable icon to add a current channel to memory and a selectable icon to display the list stored in memory.

Claims 2-10 depend from claim 1 and thus are also not anticipated by the LaJoie patent for at least the reasons provided above.

Claim 11 has also been amended to recite in part:

the central processing unit to execute software to load programming data associated with the channel currently being displayed into the memory, to display a screen menu on said display monitor, the screen menu including a first icon selectable to add the current channel to a list of channels stored in said memory when the current channel is not included in the list of channels or including a second icon in place of the first icon where the second icon is selectable to remove the current channel from the list of channels stored in said memory when the current channel is currently stored in the list of channels.

Amended claim 11 thus provides, in part, for the displaying of a first icon when the current channel is not included in the memory and displaying a second icon instead of the first icon when the current channel is in memory. No new matter was added by this amendment, and support can be found throughout the specification as filed, such as on at least page 8 line 15 through page 9 line 10.

The LaJoie patent fails to teach or suggest the displaying of the first or second selectable icons based on whether a current channel has previously been stored in memory. Instead, the LaJoie patent specifically teaches away from alternatively displaying selectable icons as claimed because the LaJoie patent specifically describes, for example with respect to FIG. 9 showing the Channel Settings menu, always showing a status of a current channel (i.e., "YES" and "NO" column). Therefore, claim 11 is not anticipated by the LaJoie patent.

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Claims 14-20 depend from claim 11 and thus are also not anticipated by the LaJoie patent for at least the reasons provided above.

Further regarding claim 17, the Examiner suggests that the "Channel Setting further comprises Block channels icon 'second icon' selectable to display PPV channels" However, the "Block channels icon" 202 does not display PPV channels but instead allows the user to block a channel (setting 202) and does not cause a second screen menu to be displayed that includes the list of channels stored in said memory. To the contrary, to view the PPV channels through the LaJoie patent, a user must first access the "Channel Settings" menu and then access the "General Setting" menu, which does not include the option to add a current channel to memory. Once in the General Settings menu the user can then select to view the PPV channels. Therefore, the LaJoie patent does not teach the "second icon selectable to display a second screen menu that displays the list of channels stored in said memory" as recited in claim 17.

Regarding at least claim 20, the LaJoie patent does not teach "the screen menu further comprises a second icon which is selectable to exit the screen menu" as claimed. Instead, the LaJoie patent requires the user to use an external remote control or external control buttons to select a "SETTINGS" button that causes the exiting from a "Channel Settings" screen, such that "[w]hen the subscriber has completed using general settings menu 224, the subscriber may exit the menu by pressing settings key 188 [of the set top box or remote control] to return to previous television display 250." (Col. 20, lines 59-61). Therefore, the LaJoie patent does not teach each element of the system of claim 20.

Claim Rejections - 35 U.S.C. §103

3. Claim 15 stands rejected under 35 U.S.C. §103(a), as being unpatentable over the LaJoie patent in view of U.S. Patent No. 5,808,694 (Usui et al.). Applicants respectfully submit, however, that the Usui patent fails to teach at least those elements described above as not

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being taught by the LaJoie patent with respect to claim 11. Therefore, the combination of the LaJoie and Usui patents fail to teach or suggest each element as claimed.

Section 2143.03 of the MPEP states that in order "to establish a prima facie case of obviousness of a claimed invention, all of the claimed limitations must be taught or suggested by the prior art." Therefore, a prima facie case of obviousness is not met by the combination of the LaJoie and Usui patents as the combination does not teach or suggest all of the limitations of claim 11 or 15 (MPEP § 2143.03). Thus, Applicants respectfully submit the rejection is overcome and should be withdrawn.

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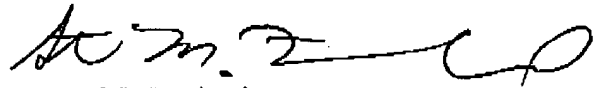
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CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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